

REMARKS

Claims 1, 2, 5, 7-19, 21, 22, 24-40, 42, and 43 are pending in the application. Claim 42 is amended to include the feature of a change in yellowness value b^* less than or equal to 0.2 on exposure to UV light, and is supported by the specification at least at page 4, lines 25-28, and page 18, line 52, through page 19, line 4. Applicants respectfully request consideration of the application in view of the foregoing amendments and the following remarks.

Applicants' thank Examiner Aughenbaugh for reconsideration and withdrawal of numerous rejections, including the rejection under 35 U.S.C. §102(b) over Maier et al.

Claims 42 and 43 remain rejected under 35 U.S.C. §103(a) over Maier et al. in view of Harrison et al., as first set forth in paragraph 19 of Paper 6. For at least the following reasons, reconsideration and withdrawal of the rejection are in order.

As amended herein, claim 43 includes the feature wherein the microbeads have a change in CIELAB value b^* towards yellowness on exposure to UV light, wherein the change in b^* is less than or equal to 0.2. As admitted by the Examiner Aughenbaugh at page 4 of the Office Action mailed March 29, 2004, Maier et al. "fail to explicitly teach that the microbeads have a change in CIELAB value b^* towards yellowness on exposure to UV light wherein the change in b^* is less than or equal to 0.2." Thus, Maier et al. does not disclose or suggest the claimed invention as set forth in independent claim 42.

Harrison et al. is cited in the Office Action for teaching a dye diffusion thermal transfer dye receiving element "comprising a continuous oriented polymer matrix having dispersed therein micorobeads of a cross-linked polymer which are at least partially bordered by void space." See page 9 of the Office Action mailed August 4, 2003. Harrison et al. does not disclose or suggest that microbeads therein have a change in CIELAB value b^* towards yellowness on exposure to UV light, wherein the change in b^* is less than or equal to 0.2. Thus, Harrison et al. does not overcome the deficiencies of Maier et al. For at least the above reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 2, 5, 7, 9-19, 21, 22, 24-26 and 28-39 have been rejected under 35 USC § 103(a) over Maier et al. in view of Narita et al. Claims 8 and 27 have been rejected under 35 USC § 103(a) over Maier et al. in view of Narita et al., and further in view of Saito et al. Claim 40 has been rejected under 35 USC § 103(a) over Maier et al. in view of Narita et al., and further in view of Hart et al. Applicants following comments regarding the rejection under 35 USC § 103(a) over Maier et al. in view of Narita et al. will address all claims, including claims 42 and 43 as amended herein. For at least the following reasons, reconsideration and withdrawal of the rejections are in order.

As discussed above, it is admitted by the Examiner Aughenbaugh at page 4 of the Office Action mailed March 29, 2004, that Maier et al. “fail to explicitly teach that the microbeads have a change in CIELAB value b^* towards yellowness on exposure to UV light wherein the change in b^* is less than or equal to 0.2.” This feature is set forth in independent claims 1, 21, and 42, from which all other claims depend.

Narita et al. is relied on for a teaching of a receptor layer of a dye diffusion thermal transfer dye receiving sheet, wherein the b^* value of the sheet “is tailored to be from -5 to 5.” It is reported at page 4 of the Office Action mailed March 29, 2004, that the tailoring of the b^* value is accomplished by incorporating coloring materials into the receiving sheet, as taught in Narita et al. at col. 10, lines 36-44.

Narita et al. does teach incorporating coloring materials into the dye receptor layer of the receiver to adjust the coloring of the receiver, for example, to match the coloring of a corresponding printing paper for proofing purposes. *See* col. 10, lines 39-44. However, the addition of such materials is for the purpose of making the thermal receiver coloring approximate that of a desired paper for comparison. There is no teaching, disclosure, or suggestion in Narita et al. that incorporation of any coloring materials into the dye receptor layer can effect properties of microbeads in the thermal receiver such that the microbeads have a change in CIELAB value b^* less than or equal to 0.2 towards yellowness on exposure to UV light. Narita et al. teaches effecting the look of the thermal dye receiving layer by incorporating pigments. Narita et al. does not teach, disclose, or suggest the use of microbeads as claimed by Applicants, or that

including coloring materials with such microbeads can effect the properties of the microbeads, such as yellowing on exposure to UV light.

One skilled in the art would not combine Narita et al. with Maier et al. to overcome a problem of yellowing of a polymeric microbead on exposure to UV light because Narita et al. does not address this problem. As known by those skilled in the art, without a direct teaching of interaction between a coloring material and a polymeric microbead, addition of a coloring material into a layer containing a polymeric microbead would not be expected to effect the properties of the microbead directly, even though the coloring material might mask the natural coloring effects of the microbead.

For at least the reasons set forth herein, Narita et al. does not overcome the deficiencies of Maier et al. None of the tertiary references of Saito et al., Hart et al., or Harrison et al. disclose or suggest a microbead that undergoes a change in b^* less than or equal to 0.2 upon exposure to UV light. Thus, none of the references, taken alone or in any combination, disclose or suggest the subject matter of the claimed invention as set forth in any of claims 1, 2, 5, 7-19, 21, 22, 24-40, 42, and 43.

It is respectfully submitted, in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited. Should the Examiner have any questions or require anything further, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,



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